THE CONSTITUTION

OF THE

METHODIST EPISCOPAL CHURCH;

WHAT IT IS AND WHERE TO BE FOUND,
AND HOW IT MAY BE AMENDED:
AS SEEN BY LAYMEN.

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METHODIST EPISCOPAL CHURCH.

CHAPTER I.

ORGANIZATION OF THE CHURCH.

WHEN so grave and learned a body of Methodists as the Board of Bishops ask, in an official paper to the General Conference, "Have we such a thing as a Constitution, and, if so, what paragraphs of the Discipline are included in it?" and then add, "It is scarcely possible to think this an open question, yet it does exist," there can be no impropriety in a layman's attempting to answer it; for laymen in the Methodist Episcopal Church are presumed of late to have views upon ecclesiastical questions that may be entitled to respect. We be brethren all, and we should be ready to hear each other respectfully, and to accord at least the meed of sincerity to one another. Neither should any of us as-

sume that our views are so well grounded that they can not be modified by new light, or by new combinations of old lights.

In the study of this question we find many historic facts and many opinions about which there is no disagreement among Methodists; such, for instance, as—

First. That Methodism in America began among laymen, wholly without the aid of any recognized ministry; that afterwards Mr. Wesley sent preachers from England who took charge of the scattered societies, and not only became their pastors, but at the same time took the absolute control of all matters relating to the government of them, but, until the historic Conference of 1784, they were themselves subject to the will of Mr. Wesley in all things ecclesiastical; and that, all this time, both ministers and laymen were communicants in the Church of England, the ministers especially being so devoted to that Church that, at one of the very latest Conferences preceding the organization of the Methodist Episcopal Church, they solemnly resolved "to continue in close connection with the Church, and to press our people to a closer communion with her."

Second. That, on the arrival of Dr. Coke in the fall of 1784, with advice and authority from Mr. Wesley to organize an Episcopal Church, the preachers were hastily summoned to meet in Baltimore, on the 24th of December, for that purpose, and that such was the interest they felt in the measure that sixty out of the eighty-three then employed as traveling preachers came together as requested; that no distinction was made at any stage of the proceedings between those who had traveled only ten months and those who had traveled ten years; that none of them, not even Bishop Asbury, had been ordained, but that all were laymen in the Church of England; that Mr. Wesley had, in England, prepared an outline of the Rules and Regulations, with forms of ordinations, which he wished them to use; that in ten days, much of the time devoted to revival work, they made such changes in his outlines as they thought were necessary better to adapt them to their surroundings, and adjourned, to remain no longer members of the Church of England, but to become members of the Methodist Episcopal Church, and to carry with them all their societies as soon as the machinery of the new organization could be completed by the ratification,

by the Conference, of the Constitution which they had prepared.

Third. That the Christmas Convocation, though for convenience sometimes called the Christmas Conference, and sometimes a General Conference, was no Conference at all in the ordinary Methodist use of the word. The *Conference* had met the preceding April, and, after transacting the usual Conference business in the usual way, had adjourned to the ensuing April; that no regular Conference business was attempted at this Christmas Convocation, but that, in the ensuing April, the Conference met and transacted the usual Conference business, together with what was made necessary by the extraordinary Convocation of the preceding winter, and that the Convocation was never called a Conference except in an accommodated sense by early Methodists. Bishop Asbury, in speaking of it, says: "It was irregular, partaking of the nature of a Convention." Dr. Sherman, in his "History of the Discipline," says: "The Christmas Conference was a Convention for the purpose of organizing the Church and establishing a Constitution," and adds: "The Discipline provided was designed to serve as a Constitution." Dr. Stevens, in his "History of

the Methodist Episcopal Church," says: "It was an extraordinary Convention, held for the Episcopal organization of the Church."

Fourth. That the words *Constitution* and *Discipline* were used interchangeably in all early Methodist literature. Thus, Dr. Sherman, in his "History of the Discipline," speaking of the General Conference of 1792, says: "The *Constitution* of the Church was modified." Dr. Emory, in his "History of the Discipline," speaking of the same event, says: "The *Discipline* of the Church was revised."

Fifth. That the Constitution which had been prepared by the Christmas Convention was duly submitted to the Conference at its session in April for ratification, and that, after prefixing a suitable preamble, it was formally ratified, and at once became the Constitution of the Methodist Episcopal Church, and thenceforward the business of the Church was conducted under it. The significance of this preamble is important in the light of what Judge Story says of preambles in his "Comments on the Constitution of the United States:" "It is an admitted maxim in the ordinary course of the administration of justice that the preamble of a statute is a key to open the

minds of the makers as to the mischiefs which are to be remedied and the objects which are to be accomplished by the provisions of the statute." The preamble reads: "As the ecclesiastical as well as the civil affairs of these United States have passed through a very considerable change by the Revolution, we will form ourselves into an Episcopal Church, under the direction of Superintendents, Elders, Deacons, and Helpers, according to the forms of ordination annexed to our Liturgy and the form of Discipline [Constitution] set forth in these Minutes."

No preamble ever more distinctly explained the reasons for a special organization or pointed out its proposed methods more clearly.

Sixth. That, though the Constitution which was prepared by the Christmas Convention contained no provision for its ratification, the preachers, when assembled in Conference, proceeded to ratify it, because the Convention was unauthorized and irregular, and could bind no one by its proceedings; and though there were no provisions in the instrument itself for modifications or amendments, they proceeded at once to amend it, and continued to alter and amend from 1785 to 1808, inclusive, without the least pretense

of restriction in any respect whatever. Some of these amendments were most radical, if not revolutionary, in their nature and scope. Thus, from annually amending or overhauling their Rules and Regulations, at first by the one Conference, then by the several sections of the one Conference, requiring the concurrence of each section to modify a Rule, they altered their Constitution so as to meet once in four years in General Conference, and that that body alone should have power to change or modify the Constitution.

Speaking of the first General Conference—that of 1792—Dr. Sherman, in his History, says: "The Constitution of the Church was modified." This phrase is doubly significant. It shows not only that the Discipline was the Constitution, but that it was *the Constitution of the Church.*

That there were some radical amendments to the Constitution of the Church at this first General Conference. In the beginning, as we have seen, all traveling preachers took a part in the formation of the Constitution, and later, until the General Conference of 1792, all were the peers of all others in rights and privileges; but at this General Conference it was ordained not only that preachers on trial should not attend the sessions

of any Conference to take part in the business, except when to be admitted into full connection, but they should not be admitted as spectators even—a regulation that lasted more than fifty years; and that though the composition of the General Conference was thus changed by the exclusion of a class of the original corporators, no restrictions were imposed upon the General Conferences to be afterwards constituted wholly of full members of the traveling connection.

Seventh. That, as early as 1796, the wiser men of the connection saw that the rapid spread of the work made it difficult for all the members of the several Annual Conferences to meet even once in four years in General Conference, and that they proposed a Delegated General Conference; but the members of the central Conferences objected, and the proposition did not obtain; that this proposition was renewed, with more earnestness, at the General Conference of 1800, but it was again defeated by the central Conferences, who practically had control of the entire Church. But, as a substitute, they amended the Constitution so that in the future none should attend the General Conference except those who had traveled four years, thus entirely disfranchis-

ing all the deacons, though members in full of the traveling connection, not allowing them to attend the law-making department of the Church in person or by representatives, and not even as spectators; for all Conferences were held with closed doors at that time. This was not only arbitrary but revolutionary, and it was so strongly protested against that many of the disfranchised attended the General Conference of 1804 to claim the right of membership in a General Conference as a right inhering in their membership in the traveling connection, but they were repelled. Again a most radical change in the composition of the General Conference was made without attempting to restrict the General Conferences of the future.

Eighth. That the General Conference of 1804 was composed of only 107 members in all, 37 of whom were from the Philadelphia Conference alone, and 30 from the Baltimore, constituting nearly two-thirds of the entire body. There were but four from New England, and only three from the great West.

Ninth. That it is not difficult to see that this condition of affairs must breed great dissatisfaction among the remote Conferences, placing, as it

did, the government of the Church practically into the hands of the Philadelphia and the Baltimore Conferences; hence, when the General Conference of 1808 came, many of the remote Conferences sought to remedy the evil, in part at least, by selecting those of their number who could best be spared two months from their work, and contributing voluntarily towards bearing the expense of such a trip; but when the Conference got together at Baltimore it was practically the Conference of 1804 over again. There were only 129 elders present out of the 275 elders in the connection, 100 of whom were from the nearest four Conferences, and 63—nearly one-half—from the Baltimore and Philadelphia Conferences alone. Meanwhile memorials were sent from the New York, the New England, the Western, and the South Carolina Conferences asking for a General Conference that should give every member of the connection an equal voice in the affairs of the Church, by providing for a Delegated General Conference in which deacons could be represented at least by elders of their own choosing, and in which elders living in remote parts could have the same rights as those living near Philadelphia and Baltimore.

Tenth. That the first vote of the General Conference on the proposition to amend the Constitution so that in the future that body should be composed of delegates to be chosen by the entire membership of the traveling connection, was against it by the decided majority of seven in a vote of 121, and that thereupon all the members from New England except Elijah Hedding, and all the Western and most of the South Carolina members, left the hall with the intention of taking no further part in the deliberations; and among these were such men as Joshua Soule, and Martin Ruter, and William McKendree, and William Burke, and many others who were then and later prominent in the Church.

This gave the question a more serious aspect than it had ever before assumed. It meant a secession of more than half the ministry and two-thirds the territory of the Church, and those who had voted against the amendment availed themselves of the persuasive power of Elijah Hedding to induce the dissatisfied to return, offering to grant the petition if those favoring it would agree to certain restrictions upon the power of the General Conferences which were not to be controlled by the few central Conferences as at pres-

ent. As there was nothing in those restrictions to which any one had any serious objections, they were accepted, and the amendment was passed almost unanimously.

Eleventh. That amending the Constitution, the Rules and Regulations, was the principal business of all early General Conferences. Of the General Conference of 1800, Dr. Sherman, in his History, says: "The Discipline was read by Bishop Coke, section by section, and changes were made in order."

Twelfth. That there had been no overtures from the Conferences or the Churches to the General Conference of 1808, asking for any other change in the Constitution of the Church than that all the members of the traveling connection might have an equal right in the General Conference by allowing all to be represented on equal terms. To the whole Church of that period, as well as now, the General Conference had a significance from unbroken usage. It meant the supreme and unrestrained legislative, judicial, and executive power of the Church, and the memorials for a Delegated General Conference meant nothing but such a change in the composition of the body as had been twice made already

without affecting the prerogatives of the body. Least of all could they have thought that when the whole traveling connection should be present in representatives duly chosen the body should possess less power than when it consisted almost wholly of the elders in and about Philadelphia and Baltimore.

Thirteenth. That when the first Delegated General Conference met, in 1812, it proceeded to business just as all preceding General Conferences had, assuming to have plenary power in all Church interests, without any regard to any restriction placed upon it by any preceding General Conference, and, when the time came to deal with the produce of the Book Concern it proceeded, as it always had done, and appropriated it at the pleasure of the General Conference. That it did not treat all the restrictions in the same way was owing, no doubt, to the fact that they had no occasion to do so.

Fourteenth. That not only have all subsequent General Conferences, in the rightful exercise of their unrestrainable sovereignty as the supreme power of the Church, wholly disregarded the assumed restriction as to the Book Concern, but it has proceeded against the Restrictive Rules them-

selves whenever inclined so to do. Thus, in 1832, it amended one, and in 1856 another, and in 1873 another, without calling into service the Restrictive Rule plan; and that, in every case, the Church has acquiesced without even a note of dissent, at least until somebody in the General Conference of 1892, in his search for a Constitution, seems to have discovered that these several amendments, not having been made constitutionally, are not amendments at all, and that, therefore, they are null and void, though the General Conference of the year 1892, like all its predecessors, treated the Sixth Restrictive Rule as if it were not, and appropriated the produce of the Book Concern to whatever use it deemed proper. That it had an inherent right to do this, will appear later on.

Fifteenth. That the Restrictive Rules alone, and, for that matter, the whole of the chapter on the General Conference, lacks every essential element of a Constitution. In the first place, the General Conference of 1808 was a convocation of elders under a Constitution which had existed twenty-four years, and under which 540 traveling preachers, and as many local preachers, and more than 150,000 laymen had acquired rights which were entitled to respect; so that even if the en-

tire eldership, instead of less than one-half of them, had been present, the body could not, at its own pleasure, abandon the Constitution under which these rights had been acquired, and substitute a Constitution which was to tie the hands of all future General Conferences. This would be the more emphatically true, seeing that the eldership had wrested from the original corporators the entire control of the Church by the brute-force of numbers, and over the protest of those whom they had displaced at the two preceding changes of the Constitution, which had changed the composition of the General Conference. The Church did not belong to the eldership except through the process of acquisition above related.

Sixteenth. That the Restrictive Rules, when taken alone, or the whole chapter on the General Conference, lacks this further prerequisite of a Constitution. Not only was such a thing as a new Constitution not asked for by the absent elders and the disfranchised deacons, as I have shown, but they asked for quite another thing—they asked only for such an amendment of the Constitution under which the Church from the beginning had been working as would not only restore the rights of deacons, but which would transfer the

government of the Church from the elders who lived in and about Philadelphia and Baltimore to the whole body of the Church as represented by the members of the several Annual Conferences, by making future General Conferences to consist of elders who should equally represent all the Annual Conferences; and that it lacks this still further requisite of a Constitution: it was never submitted to a vote even of the Conferences for ratification, which is supposed to be essential to the validity of all Constitutions, except in the single case of Mississippi, where, a few years ago, a body of men proclaimed a certain document a Constitution without this process. Methodism had not learned that method as early as 1808. And it lacks this still further requisite of a Constitution: there is no preamble, expressed or implied, to indicate that such a thing as a Constitution was contemplated, and "to furnish a key to the minds of the makers as to the mischiefs to be remedied and the objects to be accomplished," as Judge Story expresses the object of a preamble, and without which no Constitution in Church or State was ever made.

Seventeenth. That nothing is found in our early Church history to imply that the Restrictive

Rules, or the whole chapter on the General Conference, was anything different from such amendments to the existing Constitution as clearly came within the purview of the General Conference as its powers had been exercised from the beginning. Dr. Sherman, in his History, says: "The leading questions before the General Conference of 1808 related to the Book Concern, the Constitution* of the General Conference, and slavery." Then after specifying what changes were made, he adds: "The General Conference became a delegated body with limited powers, *as provided for in the new chapter on that subject.*" It was only a "new chapter" in the old Constitution, according to this. Dr. Stevens, in his History, calls the amendment "a form of law, a species of Constitution for a representative General Conference." It was *a form of law*, a species of [a sort of, a kind of.— *Webster*] Constitution; according to Dr. Stevens, not a Constitution unqualifiedly.

* The word "Constitution" here is evidently used in its first and most obvious sense—"establishing, appointing, formation" [Webster]—for the phrase, "Constitution of the General Conference," as the basis of government for the Church, is only ten years old in Methodist literature.

CHAPTER II.

THE ROAD FORKS

THUS far, it seems to me, there is entire agreement among Methodists; but here the road forks, for a little way at least, yet not so as to divide the Church into parties or factions; for there is such a commingling of opinions when details are discussed that many who agree in opinion as to some things, differ as to others. Let me state these diverging views as far as the limits of this essay will allow.

In the address of the Bishops to the General Conference of 1888 we have the views of one class of preachers thus stated:

"When the General Conference was simply a General Convention of all the elders who might attend, it possessed plenary powers, and needed no formal or written Constitution. It had power to make rules and regulations for the Church, to fix terms of membership, to make and unmake the Episcopacy, to ordain, modify, or annul the General Rules, the Itinerancy, or the Book Concern; to prescribe doctrines and standards of doc-

trines, and to meet as often as it would. It was supreme, and its members represented only themselves. But when the Church grew to such magnitude that it became impossible for the whole body of the eldership to meet in Convention a delegated body was declared a necessity, and then a written Constitution, defining the composition and power of such a General Conference, became as indispensable as was the representative principle to the body itself. Such a Constitution was ordained in 1808, and under its provisions the first Delegated General Conference met in 1812. The grant of power which the Church conveyed to the General Conference through that instrument was made in general terms, clothing the body organized in conformity to its requirements, with full power to make rules and regulations for the Church—a grant so broad and liberal as to be subject only to the limitations specified in the six restrictions known as the 'Restrictive Rules.' These restrictions have always been accorded their true character as of the nature and force of a Constitution."

This is probably as fair and complete a statement of the views of a portion of our ministers as can be made in the same number of words.

Let us consider it. The underlying thought is, first, that the eldership of 1808 constituted the Methodist Episcopal Church of that period; and secondly, that 129 out of the 275 elders, 100 of whom were from the four Conferences nearest to Baltimore, when assembled as a General Conference, under a Constitution which had been in existence twenty-four years, could at pleasure become a Convention, with plenary powers to destroy every distinctive feature of a Church of 540 traveling ministers, and fully as many local preachers, and more than 150,000 laymen. In their capacity as a Convention, the bishops say, they could unmake the Episcopacy. Could they? Without an Episcopacy where would be any Methodist Episcopal Church? Could that body of elders, representing not one-fourth the territory then occupied by the Church, and only about two-ninths of the traveling preachers themselves, to say nothing of the local preachers and the laity, resolve itself into a Convention so that 65, a majority of the 129, could do all these things, or any of them? To state the question fairly is to answer it.

Just how the bishops and those agreeing with them ever came to regard the Restrictive Rules

as having "the nature and force of a Constitution" it is difficult to say, unless it be upon the theory of the bishops above quoted, that the elders were the Church, and, as such, could not only undo all that had been done by the founders of the Church, but could tie the hands of all who were to come after them. With these historic facts before us, it seems strange that, in a grave state paper, so conservative a body as the Board of Bishops should say: "The Church conveyed to the General Conference a grant of power which has the nature and force of a Constitution."

It may not be out of place to repeat that when the first Delegated General Conference met, in 1812, it proceeded to business, just as all previous General Conferences had, with a consciousness of its inherent right, under the Constitution of the Church, to make Rules and Regulations for the Church, just as all former General Conferences had from the beginning, and that it paid no attention whatever to the restrictions which the General Conference of 1808 had assumed to hamper it with. So far as history records, there was but one subject included in them which that General Conference cared to deal with, and that was the produce of the Book Concern, and they han-

dled that with the freeness from restraint which had marked all preceding General Conferences; and every General Conference from that day to this has done the same. Twenty years later the General Conference wanted to deal with the restrictions themselves, and it proceeded to do so, utterly regardless of the Restrictive plan; and again, in 1856, it did the same, and again in 1872, and the Church in every department has, in every case, acquiesced. And I may add that, in all the eighty-four years since the adoption of these restrictions, they have never restricted a single General Conference in anything it really wished to do. They have frequently afforded a convenient refuge from the logic of debate, and many a measure has been delayed, if not ultimately defeated, by the cry of "unconstitutional," because, under the restrictions, 3,500 traveling preachers can negative the wishes of 25,000 other preachers, traveling and local, and more than 2,000,000 laymen.

The power of a General Conference is thus stated by Bishop Hamline at the General Conference of 1844, in his celebrated speech on the suspending of Bishop Andrew:

"In Church and State there must always be

an ultimate or supreme authority, and the exercise of it must be independent. The General Conference, adjunct, in certain exigencies, with the Annual Conferences, is the ultimate depository of power in the Church. This Conference adjunct—but rarely—with the Annual Conferences is supreme. It has legislative, judicial, and executive supremacy. Its legislative supremacy consists of *full power to make rules*, as the Discipline words it. This is full power for *quasi legislation*. Under self-assumed restraints, which are now of constitutional force and virtue, it can make *rules of every sort* for the government of the Church. The restrictions are few and simple. Beyond these slender restrictions, its legislation is legitimate, and within them it is so if the members of the Annual Conferences are consenting." (Italics the bishop's.)

These words of Bishop Hamline, carefully chosen and weighed, are worthy of note. It will be observed that he says of the restrictions, first, they are slender; and secondly, they are self-assumed. Though they are entitled to respect while in the Constitution, the legitimate inference is that, being self-assumed, they may be laid off whenever the emergency demanding it arises

and that, notwithstanding the restrictions, the General Conference, *under them, can make rules and regulations of all sorts.* This, as we have seen, and shall see again later on, the General Conference has done at every session from the beginning, by wholly ignoring the restrictions as to the produce of the Book Concern, while leaving it in the book—as the Presbyterian Church leaves Election and Reprobation in the Confession of Faith, as "a historic landmark," now in innocuous desuetude—and by changing the self-assumed restrictions at pleasure, as they often have done.

In defense of the exercise of this supreme power of the General Conference, though intended to apply to another part of his argument, Mr. Hamline said: "We can not by our enactments [our self-assumed restrictions] divest ourselves of constitutional power [the power inherent in the General Conference as the ultimate depository of power] any more than man, made in God's image and about to inhabit God's eternity, can spurn the law of his being, and divest himself of free agency and immortality."

We shall refer to this supreme power of the General Conference, in spite of self-assumed restrictions, further on.

Later, in the Address of the Bishops to the General Conference of 1888, they call attention to the variance of opinion among Methodists as to what is the Constitution of the General Conference, and the possible dangers from such an unsettled condition of affairs, and then add:

"We submit to your godly consideration, yet refrain from argument in its support except as argument inheres in the statement, that it will remove ambiguity from the law, extirpate doubt as to what is Constitution, and obviate possible perplexing discussions in the future. We assume that it is of the highest importance that the organic law of this great body should be well understood, readily distinguished from the statutory enactments of the body itself, sufficiently flexible to meet the growing necessities of the Church, and yet firm enough to endure whatever of turbulence or passion may be excited within, as well as to withstand any adverse criticisms from without. Such a Constitution, maintained in its integrity, will prove a bulwark against usurpation, a breakwater against immature innovations, a tower of strength to the confidence of all lovers of Methodism, commanding their reverence and esteem in the future more than in the past."

As an outgrowth of this address, Dr. A. J. Kynett, on the 17th of May, offered a resolution for the appointment of a Committee to consider the matters involved. It was introduced by the following preamble, which, according to Judge Story, above quoted, "gives a key to open the minds of the makers as to the mischiefs which are to be remedied and the objects which are to be accomplished."

"WHEREAS, The organic law of the Church is imperfectly defined, and important differences of opinion have therefore arisen concerning it; and whereas, The present method of constituting the General Conferences, and of exercising the highest judicial functions, are unsatisfactory; therefore, Resolved," etc.

The Committee thus asked for was appointed. On the 23d of May it reported as follows:

"Your Committee are convinced that the organic law of the Church, and especially the Constitution of the General Conference, need to be accurately defined and determined," etc.

Then followed provisions for a Commission of seventeen "to define and determine the Constitution of the General Conference," etc. In the discussion which followed, Dr. Joseph Pullman

said: "We are troubled because there is uncertainty concerning the organic law of the Church." It will be seen that in all these proceedings the "organic law of the Church" was the central thought. It is not strange, however, that the opinion, which somehow obtains with some that the Restrictive Rules are our Constitution, should have frequently cropped out.

The Commission was appointed by the bishops. It contained seven laymen and seven ministers and three bishops. They met frequently during the quadrennium, and formulated a report which was early submitted to the General Conference of 1892. The report was a surprise to all, and, after only a few hours' debate, it was disposed of in the most summary manner known to deliberative bodies,—it was indefinitely postponed. And no wonder! As we have shown by the preliminary steps by which the Commission was created, *the organic law of the Church* was the central thought; but this report dismissed that question in these few words: "The organic law of the Methodist Episcopal Church includes and is limited to the Articles of Religion, the General Rules, and the Constitution and Powers of the General Conference."

A very small portico, that, to the huge structure which followed, modestly called the Constitution and Powers of the General Conference, of which the following is the substance: "The General Conference shall possess supreme legislative, executive, and judicial power for the government of the Church, subject to the provisions of this Constitution."

This, it will be seen, is a new provision, not found in any part of the chapter on the General Conference as it has come down to us. It took the General Conference by surprise. Even some of the Commission repudiated it. Dr. A. J. Kynett said:

"Every member of the Commission will be witness that, as a member of the Commission, I contended, from the beginning to the close of the action of the Commission, that there is no such a thing as a Constitution of the General Conference; that there is a Constitution of the Methodist Episcopal Church, and that, at one time, we had agreed upon a form of words expressive of this view, but subsequently, in the absence of myself and one or two others who held the same view, the form was changed to the form given in the report."

Is it any wonder that the General Conference, and especially the laymen, hastened to put the report into a grave from which there could be no resurrection at that session or any other, when it was thus made known that any amendment of the Constitution in the future was to be at the mercy of one-fourth-and-one of the traveling preachers, though there might be millions of laymen and tens of thousands of local preachers, and nearly three-fourths of the traveling preachers, desiring it?

Dr. J. H. Potts, getting the floor, called attention to the monstrous proposition in the following emphatic words: "This provision is not in the present Constitution in language or in meaning. While I have strength to breathe—to say nothing of walking, speaking, or writing—this General Conference shall never take one step to bind the Church to any such document as that, so that we can not revise the Constitution in any particular without the consent of three-fourths of our traveling preachers."

Though the discussion was short, it developed an alarming diversity of opinion as to what is the organic law of the Methodist Episcopal Church, fully justifying the language of the bish-

ops in their address of 1888—"Have we a Constitution; and, if we have, where is it to be found?" Some eminent men claimed that it is found in the Restrictive Rules alone; others, that the whole chapter on the General Conference as it now stands has "the nature and force of a Constitution;" others, that the chapter on the General Conference as it would read if those paragraphs which have been changed unconstitutionally were restored to their original form; while still others assumed that the Discipline as it now reads is all Constitution, just as the original Discipline was, and that all distinction between paragraphs, as to Constitution or Law, was arbitrary and uncalled for, no such a distinction having been made at the beginning or by authority at any later period. By so much as it is important to have a well-defined line between Constitution and Law, this condition is alarming.

By far the most important information bearing upon the subject, especially to the younger members of the General Conference, was furnished by Bishop Merrill, in his explanation of the report as Chairman of the Commission. So much has been said of late about the Constitution of the General Conference, and so little about the

Constitution of the Methodist Episcopal Church, that men coming to the front within the last decade or so have unconsciously imbibed the idea that there is such a thing as a Constitution of the General Conference, and there never was such a thing as a Constitution of the Methodist Episcopal Church; or if there ever was, it has somehow perished by the way. The older men have known better all along. They have known that the Constitution of the General Conference is not a vigorous vine of a very late planting, of which it might well be said, it sprang up in a night, and the indications are that it will perish as rapidly as it grew, now that its history and the occasion for it are so faithfully given by the learned bishop. In his address, as Chairman of the Commission, he said:

"When this subject was first acted upon by the General Conference of 1868, looking towards the introduction of laymen into the body, there was something then which was supposed to be the Constitution of the General Conference, and that Constitution had been in existence in some form or other since 1808. In other words it was ordained by the Church in General Convention [General Conference, bishop, acting under a Con-

stitution which was twenty-four years old, and under which all preceding General Conferences had transacted business]. Then, as this remained until 1868, it underwent some few modifications, more by general consent, and without challenge or debate, than by any observance of the formal process of change or modification. In fact, until 1868 the real character of that Constitution was never debated. Whatever the opinion of individuals may have been, the fact of its being the Constitution was never challenged, *and I do not know that it was ever formally asserted.*"

This closing paragraph might have been slightly changed in its structure without damage to history, and made to read, *And I do know it was never before formally asserted;* for that is within the knowledge of every man who has kept step with Methodist history. The whole of this quotation was an important revelation to the younger members of the General Conference. There was the concession that the General Conference had all along amended even the Restrictive Rules, on its own motion, whenever there was no serious objection, "more by general consent, and without challenge, than by the observance of the formal process of change or modification"—

meaning, of course, that such amendments were valid; but not so when such a question as Lay Representation was proposed, for, on its merits, there were great objections to it; hence it must go through "the formal process of change or modification." If it could be thrown into "the formal process," there was a possibility of defeating it by that obstruction known as one-fourth-and-one of the traveling preachers. How near this ruse came to being a success may be seen in the fact that if thirty of the traveling preachers who voted Yes had voted No, the introduction of laymen into the General Conference would have been postponed possibly for another century, although it was the almost unanimous wish of the laymen.

The bishop sheds another valuable ray of light on this subject when he says:

"In 1868 there sprung up a discussion on the constitutional power of the General Conference to introduce laymen into that body by a majority vote. To shed light upon the subject a little further, it may be well to remind you that a large committee—a Standing Committee of the General Conference on the subject of Lay Delegation—formally and deliberately, and with much care and

study, prepared a Plan of Lay Delegation in the body which contemplated the introduction of this new element by a mere majority vote, and, while that report was pending, challenge came as to its power to do that thing."

This restates, in another form, what I have already stated; or, rather, it applies to a concrete case the only mission of the Restrictive Rules, which is to delay or defeat what the body of the Church wants, through that relic of bygone ages, the one-fourth-and-one force of obstruction. According to the bishop, after much care and deliberation, a large representative committee of ministers alone reported in favor of the immediate admission of laymen; but the measure was relegated "to the formal process of change," and, as we have seen, it there nearly perished under that treatment. No wonder the laymen of the General Conference of 1892 were almost a unit in summarily disposing of a report which was designed to perpetuate forever this relic of the Middle Ages.

The discussion of the report called out some very emphatic protests. Dr. Bristol said:

"The first question is not what is the Constitution of the General Conference, but is there

such a thing as the Constitution of the General Conference distinct from the Constitution of the Methodist Episcopal Church? The first delegated General Conference and the delegated General Conferences thereafter never recognized the existence of such a thing as a Constitution of the General Conference as distinct from the Constitution of the Methodist Episcopal Church. All the departments of the United States Government are amenable to the Constitution of the United States. There is no such thing as a Constitution of the Senate, a Constitution of the Executive Department, or of the Judicial Department of the United States."

Judge Lawrence, one of the most learned lawyers in the General Conference, following Dr. Bristol, said:

"We are called upon to determine what is the Constitution of the Methodist Episcopal Church. A Church without a Constitution is a ship without a chart, rudder, or compass. A Church without a Constitution is an organization composed of a rope of sand. It is liable to tumble to pieces at any moment; and I agree most cordially with Dr. Bristol that there is no such a thing as a Constitution of the General Confer-

ence. There is a Constitution of the Methodist Episcopal Church just as there is a Constitution of the United States, but there is no Constitution of the Congress of the United States."

As a whole, the report seemed not to have a friend outside the Commission; nor were all of the Commission in favor of it, as we have seen. The reason is obvious. It attempted to crystallize into a foundation-rock the discovery of 1868, that there is a Constitution of the General Conference which had been floating through Methodism ever since in a nebulous condition, seeking rest, but finding none.

But here we come again to the place where all roads converge, and, for awhile at least, all Methodists walk hand in hand. There can be no dissenting from the language of the bishops above quoted, if it is applied to the Methodist Episcopal Church instead of to the General Conference. We want a Constitution which shall be well understood, readily distinguished from statutory enactments, and so on. That our present Constitution does not meet all these conditions, if any of them, is no disparagement to the great and good men who framed it. It was modified from a draft prepared by Mr. Wesley—an intense Eng-

lishman, and as intense a Churchman—by a convention of preachers whose leaders were English born, and who at the very time were themselves laymen in the Church of England, with all the bias which such education might foster, and whose civil relations had but recently changed, and for a people who were scattered through the rural districts of a new country with little inclination and less opportunity to study ecclesiastical affairs. It is enough to say that, though modified frequently to keep pace more or less with the changed conditions of social, political, and ecclesiastical life in America, the frame-work of that Constitution is the frame-work of our Constitution to-day. The simple statement of this fact is sufficient to emphasize the demands of the bishops, and no less the demands of the whole Church, for a Constitution which shall face towards the coming twentieth century, and not towards the centuries which are buried.

CHAPTER III.

HOW TO DO IT.

BUT how shall we reach this desideratum? Easily enough, if we set about it. All things that are right are possible with American Methodist Episcopalians. They may have to wait, but they always succeed before giving up. But we must go about this intelligently, as we must go about every other enterprise. In the first place, we must give prominence, in our thoughts and plans, to an unvarying principle of Constitutional Law which is seldom alluded to in our discussions, but upon which we have acted from the beginning in all our legislative, judicial, and executive administrations; and that is, that the General Conference is the supreme authority in our Church, from whose sayings and doings there is no appeal to any other earthly tribunal, and that an unconstitutional act by it is as valid as an act done in conformity with the Constitution. No one alleges, for instance, that the continued appropriation of the produce of the Book Concern by the General Conference, over the constitutional

restriction, is invalid, though clearly unconstitutional; and Bishop Merrill, in the statement given above, that the Constitution has often been modified "more by general consent and without challenge or debate than by any observance of the formal process of change or modification," does not even intimate that those changes, though made unconstitutionally, are invalid. There is a well recognized constitutional principle in this which we will do well to keep in the very front in all our suggestions and discussions relating to the new order of things which is before us. Perhaps in no place is this principle more clearly stated than by Judge Cooley in his "Principles of Constitutional Law:"

"An unconstitutional enactment is sometimes void, and sometimes not, and this will depend upon whether, according to the theory of government, any tribunal or officer is empowered to judge of violations of the Constitution, and to keep the Legislature within the limits of a delegated authority by annulling whatever acts exceed it. According to the theory of British Constitutional Law the Parliament possesses and wields supreme power; and if, therefore, its enactments conflict with the Constitution, they are

nevertheless valid, and must operate as a modification or amendment of it. But where, as in America, the Legislature acts under a delegated authority, limited by the Constitution itself, and the judiciary is empowered to declare what the law is, an unconstitutional enactment must fall when it is subject to the ordeals of the courts."

This is our case precisely. At every session of the General Conference, for a hundred years, it has dealt with the produce of the Book Concern as its own personal property, as, in truth and law, it is and has been from the beginning. When the General Conference of 1808 arrogated the right to tie the hands of all future General Conferences, it amended the Constitution to that extent; but when subsequent General Conferences have, right along, proceeded to appropriate the produce at their pleasure, their acts, though unconstitutional, have been valid, and have "operated as modifications or amendments" to the Constitution to that extent. So with the amendments to which the bishop referred, they are valid because the General Conference, like the British Parliament, "possesses and wields supreme power," and there is no "tribunal or officer empowered to judge of violations of the Constitu-

tion, and to keep it within limits." As Bishop Hamline says, "Its restrictions are self-assumed." Of course, therefore, they may be self-divested, and our Constitution, like the British Constitution, is only a convenient provision to be resorted to when a measure which is distasteful can not be delayed or defeated in any other way.

Speaking of this power and right of our General Conference to ignore constitutional provisions, Dr. Wm. F. Warren, one of our clearest thinkers on such subjects, says:

"We have seen that in our Constitution it is a fundamental principle that the right of final and authoritative decision in all questions of law is vested in the General Conference. But suppose a General Conference were to enact that an appeal to the bishops could be taken from any General Conference decision on a question of law, and that the bishops' decision should be final? Such an enactment would be wholly unconstitutional, and even anti-constitutional, at the time of its consideration; but, once passed by a majority vote, I do not see how its invalidity could be shown. As in the case of an unconstitutional act of Parliament, it would simply 'operate as a modification or amendment of the Constitution.'

Thenceforward, so long as the enactment remained unrepealed, the right to appeal from the General Conference to the Board of Bishops would exist, and, though any subsequent General Conference could repeal the law by a majority vote, the previous constitutional right of the General Conference would be, during the continuance of the law, no longer a constitutional right of the body. In this case, I think any court in Christendom would say, 'The British constitutional principle applies, and the legal effect of the unconstitutional enactment is a modification or amendment.'"

As President Warren holds no second rank in our Church as an expounder of our Constitution, I may be pardoned for giving his conclusions from these facts:

"This revelation of the Constitution-making and the Constitution-amending power of the General Conference will be startling to many. To my own mind it first came with startling effect. I had never before fully realized all the logical implications and consequences of that un-American system of government which located in one and the same body supreme legislative, executive, and judicial powers. Possibly a square facing of the

defects of our present organic law may induce the Church to give more adequate attention to the great work of preparing a new Constitution, to be acted upon in 1896."

The application of this principle of Constitutional Law to our Church accounts for and justifies that phenomenon which has puzzled many, and which led the bishops to ask in good faith, in what paragraphs of the Discipline our Constitution is to be found. The confusion grows out of expecting in our Church government the distinction between Constitution provisions and statute enactments, which are everywhere found where the form of government gives to the legislative department legislative functions only, and to other and independent departments the construction and enforcement of statutes. The instrument which does this in civil life is the Constitution, and this form of government is purely American; whereas our governing power is at the same time legislative, judicial, and executive. It may, at 10 o'clock, pass a rule or regulation in its legislative capacity, and at 10.10, in its judicial capacity, it may pronounce it unconstitutional; or at 10 it may declare it unconstitutional to appeal to the Board of Bishops on the con-

struction of law, and at 10.10 it may make it lawful to do that very thing, as Dr. Warren has shown. The principle is un-American, but it exists; for our system of Church government is un-American, and our attempts to bring our doings in harmony with American ideas cause confusion.

In the Constitution which the Convention of 1784 formulated and the Conference of 1885 ratified and adopted, all was Rules and Regulations. Some, to be nice, have said the Rules were Constitution and the Regulations were statutes. Well, what of it? They have all emanated from the same source, and they are all equally open to alteration or amendment, and all are equally binding, and none of the early Methodists ever thought of higgling about whether any given provision was one or the other; and it so remains to this day, for the obvious reason that the same power made and can unmake any one of them. And, after all, which is a Rule, and which a Regulation? A show of distinction of late years has been made by printing certain laws of the Church in the back part of the Discipline, and calling them the Appendix; yet, in point of fact, they have as much the nature and force of a Constitution there as the Rules and Regula-

tions have which are found in the chapter on the General Conference. For instance, the enactment as to the prerogatives of a bishop at a meeting of the Book Committee, while it remains, is as binding upon the bishops as the Rule or Regulation is which makes them the presiding officers of the General Conference, and one can be changed just as the other, as we have seen; and so of many other things found in the Appendix.

To recognize the constitutional principle quoted from Judge Cooley, not only explains, but justifies, the supreme power in whatever a General Conference may do or may refuse to do, and it explains the phenomenon which has been a puzzle to many; and as every section and paragraph of the Discipline is equally at the disposal of any General Conference, both as shown by Judge Cooley and as practiced by the General Conference from the beginning, it matters not in what paragraphs of the Discipline a Constitution is found, seeing it is all alike in origin and in force.

But our present Constitution is unsatisfactory, whether we find it in the Restrictive Rules alone; or in the chapter on the General Conference—as it is, or as it was originally; or in the whole of

the Discipline. But how shall we get a new one? Evidently it can never be obtained through such a Commission as wrestled with the difficult problem from 1888 to 1892, on the basis and under the restrictions which fettered that Commission. We want a Constitution of the Methodist Episcopal Church, not of any one part of it; and we want a Constitution adapted to the Methodist Episcopal Church of the twentieth century, which has a foothold in all lands, and not merely of the Methodist Episcopal Church of the eighteenth century, with a few scattered societies in the rural districts of the young Nation just putting on Statehood.

On the 19th of May, soon after the summary disposal of the report of the Commission, Judge Shaw, a lay delegate from the Des Moines Conference, introduced a resolution, signed by many eminent ministerial and lay delegates, to provide for a Constitutional Conference, "with power to formulate a Constitution for the Methodist Episcopal Church, incorporating therein so much of the present laws and usages of the Church as it shall deem wise, and to make such alterations, revisions, and amendments thereto as in its judgment ought to be made." The proposition was

submitted too late in the session to be properly considered; hence, after a brief but forcible statement of the case by the mover, it too was indefinitely postponed, so that it, and the more elaborate report of the Commission, sleep in the same grave, from which there can be no resurrection; for one General Conference can not project business into the next, any more than one Congress can project business into a succeeding Congress.

As it is largely for the purpose of calling attention to the suggestion of Judge Shaw that this brief essay is put forth, I may be permitted to repeat that a Constitution of the Methodist Episcopal Church, segregated from the mass of Rules and Regulations of the Church, as now found in the Discipline, is confessedly the great want of the present Church. But such a Constitution need not materially, if at all, change the established laws and usages of the Church. It is not a change of doctrine or of usage that is sought; but we want a form of words that shall readily be recognized as fundamental to our economy, and which shall be free from ambiguity and doubt. A Constitutional Conference can no more change the general structure of our Church than

the Convention which was called to amend the original Articles of Confederation could have ignored the republican features of the new Government, and leaned to or introduced monarchy or aristocracy in the new Constitution. That Convention had not proceeded far before it discovered that the frame-work of the Confederacy, though sufficient for the war period, was unsuited to a period of peace, and they accordingly abandoned that, and substituted a unity of States in one Nation as the frame-work of their new Constitution; and the States acquiesced. What if a Constitutional Conference, composed of an equal number of ministers and laymen, imbued with the spirit of the closing years of the nineteenth century, and with the experience of more than a hundred years instructing them, should conclude that the central thought of the old Constitution—that the Church so completely belongs to the traveling ministry that one-fourth-and-one of them may negative the wishes of three-fourths, lacking one, of the traveling preachers and all the local preachers and all the laymen besides—was out of harmony with the spirit of the age, would that imperil Methodism?

Premising that while the machinery of Judge

Shaw's plan may be needlessly expensive and complicated, I wish to most earnestly indorse it with only two material modifications. I would not suggest that in addition to a number of ministers equal to the laymen in the Convention there should be two or more bishops as bishops. If they are chosen as ministers, all well; but let us meet on the level in that Conference. And I would submit the amended Constitution to a vote of the whole Church, and not to a vote of the traveling preachers alone, under a rule that would allow one-fourth-and-one of them to negative the entire Church besides. In the days of the apostles such questions were submitted to the apostles and elders and to the whole Church.

Though the discussion of this proposition was short, it developed the existence of opposition along a line that is entirely indefensible. It was pronounced an unconstitutional method of amending the Constitution. Well, what of it? Aside from the unanswerable logic of Dr. Warren, predicated upon the legal maxim given above from Judge Cooley, which gives the General Conference the right to amend the Constitution at pleasure—a right it has always asserted and exercised, even to the overriding of the "self-assumed restric-

tions"—there is the well-recognized right of sovereignty, the fee-simple of which the people always reserve, though parting with the right for the occasion, in the form of a Constitution. Hon. James Wilson, of Pennsylvania, one of the ablest jurists of the period of the Revolution, speaking in defense of the right of the people to substitute the new Constitution of the United States for the Articles of Confederation, though no provision for such a change was found in the old Articles, said:

"It is incontrovertible that the supreme, absolute, and uncontrollable power is in the people before they make a Constitution, and remains in them after it is made. To control the power and conduct of the Legislature by an overruling Constitution is an improvement on the science and practice of government reserved to the American States; and at the foundation of this practice lies the right to change the Constitution at pleasure—a right which no positive institution can ever take from the people. When they have made a State Constitution they have bestowed on the government created by it a certain portion of its power; *but the fee-simple of the power remains in themselves.*"

It is largely because we have no overruling Constitution that bishops and people are asking for a new Constitution. We have a Constitution, and both in practice, as we have shown, and in theory, as Judge Cooley shows, it is overruling except when some one wants it not to be, to fend off some measure he can not otherwise defeat. Let us examine the theory of this opposition, assuming, for the occasion, that the same principle applies in Church as in State, though confessedly in our Church it does not.

As we have already shown, the Constitution of our Church originated with preachers alone, and related at first to them only—and, as construed by its framers, the preachers had a right to amend it when and as they pleased, and they have freely exercised this right without ever consulting the laymen. Even when pretending to consult them, it was known at the time that their preferences would have no binding force in settling the question, and that the "self-assumed restrictions" might be self-divested at pleasure; and that ministers alone have the power to amend the Constitution, the meager and *quasi* lay representation not affecting this power perceptibly. But assuming that, in deference to the spirit of

the closing years of the nineteenth century, this prerogative is waived, how stands it?

In the September, 1892, *Methodist Review*, one of our most careful writers says: "It is a settled maxim that a Constitution which provides for its own amendment, and grants no power beyond that, can not be changed by any other process than that prescribed in the instrument itself."

The writer had been misled. There is no such settled maxim. If anything on this subject is settled, it is the very opposite of this. He was probably misled by an eminent jurist, who, in confirmation of his contention, refers to a case in Massachusetts, and another in Rhode Island. But the jurist and that writer should note that the Massachusetts case is forty years old, and that the Rhode Island case is merely an *opinion* hastily given to the Legislature in session, and without listening to the argument of counsel or taking the time to deliberate, which give value to a decision in a concrete case. But more than this, it is in direct conflict with Daniel Webster's well-known opinion upon this subject, as given to the Constitutional Convention of Massachusetts in 1821, to the effect that the legislative process applies only to a single or a very few

amendments, hardly worth calling a Convention for; while a Convention takes in the whole Constitution, and may revise it thoroughly or only in part, and it is not restrained or forbidden because there exists a legislative method. After quoting Mr. Webster in full, "Jameson on Constitutional Conventions" says:

"This citation is made to show the views entertained by Mr. Webster, and presumably by the rest of the Convention, as to the purpose and functions to which the legislative mode was adapted, and that, in their view, the mode of a Convention was alone appropriate when a general revision of the Constitution was desired or anticipated; and it is not to be inferred from the remarks of Mr. Webster that, in his opinion, no Convention could be called unless express authority was given in the Constitution, or that, in leaving it out, they intended to prevent the call of such a body in the future." (Page 614.)

This is our case precisely. Judge Shaw proposed a general revision of the whole Constitution, and a Convention is the only possible way; and instead of being forbidden and out of the question, it is the only possible way. Confirmatory of this same principle, Mr. Jameson, at page

607, quotes from Charles O'Conor, the Daniel Webster of the New York bar, the following, given in 1874:

"I think it not maintainable by any fair reasoning, that a State Constitution which provides for its own amendment can not be altered or varied from in any other manner. Certainly such a negative implication is not admissible in New York; for its present State government came into being on precisely the opposite basis; that is, it was framed by a Convention for which no provision was made in the Constitution of 1821."

Quoting at large and quite fully from the Rhode Island and Massachusetts cases above referred to, and from some other cases involving the same line of thought, after several pages of argument to show their inapplicability to the question of the right of a State to call a Constitutional Convention where no provision for such a Convention existed in the Constitution itself, or where the legislative method was especially given, and to show the fallacy of the reasoning on that subject, he says:

"Recurring to the question whether, when a Constitution contains no provision for amendment save in the legislative mode, a Convention can be

called, the answer must be, both from principle and upon precedent, that a Convention can be called, certainly where a revision of the whole Constitution is desired. When a few particular amendments only are desired, the legislative mode should be used; but if a revision is or may be desired, the mode of a Convention is appropriate and admissible." (Page 615.)

Then follow the names of twenty-seven States which have amended their Constitutions by Conventions where no power for amendment was in the Constitution, or, if any, only the legislative mode; adding:

"By a long-established usage in most of the States, and in some of them in repeated instances, Legislatures have called Conventions where there were no provisions in existing Constitutions for their amendments as a branch of their general legislative power. The frequent exercise of this power, and the long acquiescence of the people in it, *constitute a fundamental law as binding as though "it had been formulated expressly in the Constitution."* (Page 621.)

Of what I have written, this is the sum: The Methodist Episcopal Church has a Constitution. It was formulated by the unpremeditated Con-

vention of 1784, and formally adopted by the Conference of 1785; and that it has been freely amended from the first by the recognized supreme power of the Church, sometimes by the process laid down in the Constitution itself, but often without any regard to that process, and that all amendments have been equally acquiesced in, and are equally valid.

There is no possible way of designating any portion of the Discipline as *par excellence* Constitution, leaving other portions to be classified as statutes; nor is there any need of this, seeing all parts emanate from the same supreme, irresponsible power, and every part is equally under the control of the same power to amend or abolish at its pleasure, as it has done from the beginning.

The varied and numerous wants of the Church, which the progress of more than a hundred years has developed, make it desirable, if not imperative, that such of the Rules and Regulations of the Church as are more fundamental in their character should be segregated from the others and given the dignity of a Constitution, less easily changed, and exercising, in some degree, a restraint upon the law-making power, leaving the less fundamental Rules and Regulations more at

the discretion of the General Conference, and to be called, if you please, the Laws of the Methodist Episcopal Church.

The General Conference has in itself full power to do this, both from the nature of its functions, as shown by the extract from Judge Cooley, and from its uniform exercise of that right unchallenged from the beginning; but it is too large an undertaking for 600 men, from all parts of the world, to attempt in connection with the numerous other things that come before it in the thirty days or less it can afford to take for its session. Besides, the spirit of the age demands that whatever change of this kind is made should be submitted to the whole Church for ratification, and not to the traveling preachers alone, where 3,500 Methodists may negative the wishes of more than 2,000,000 other Methodists, 25,000 of whom may be just as good preachers, traveling and local, as these 3,500.

A Convention of one minister and one layman from each Episcopal District, elected by the representatives of each order, at the next General Conference, could do the work in time to submit it to the Church, so that the new order of things may begin by the first of January, 1901, so that

we may begin the twentieth century with a system of Rules and Regulations adapted to a Church already world-wide in its field.

In all thoughts and discussions on this subject it must be borne in mind that neither the report of the Commission nor the paper of Judge Shaw can have any standing in the next or any subsequent General Conference except as any other new business; because one General Conference can not project business into a subsequent one, any more than one Congress can project business into a subsequent one.

I have reason to believe that the foregoing suggestions are in harmony with the views of all, or nearly all, the laymen of our Church who have given the subject a thought, and with a large number, if not a majority, of the ministers.

One of the earliest results of the High Church English tone of the Constitution, made and adopted as herein stated, was a revolt of the laity against the authority it gave the minister to receive or exclude members at his individual pleasure. So pronounced was this revolt that the first General Conference—that of 1792—so "modified the Constitution," as Dr. Sherman puts it, that a "suspected member" should be "brought before

the society, or a select number, for trial." But lest this be construed into a concession as to the prerogative of the minister, a foot-note was appended, saying: "This is done that the laity might take knowledge, and give advice, and bear witness to the justice of the whole process, that improper and private expulsions may be prevented in the future." The committee or the society had not a word to say as to the guilt or innocence of the accused; that belonged wholly to the minister.

So precious was this ministerial prerogative in the minds of the men who had been educated in the Church of England that, in the "Notes on the Discipline," prepared by Bishops Coke and Asbury—themselves Englishmen—they devote several pages to its defense, "from Scripture and reason." They sum up their Scripture argument thus: "The whole authority to judge or to censure is expressly delivered into the hands of the minister, the Church not being mentioned by our Lord as having any authority in these matters." The amended Constitution provided also that an appeal might be taken to the quarterly-meeting, which might determine the guilt or innocence of the "suspected" person by a majority vote. To

reconcile this to the theory of the Church, the bishops say: "We could not justify our conduct in investing the quarterly-meeting with the authority of receiving and determining appeals, if it were not almost entirely composed of men who are more or less engaged in the ministry of the Word."

The American spirit had, however, so permeated the body that the Constitution was so amended, in 1800, that the decision of a majority of the society or committee was to take the place of the decision of the minister. So that there remains but little of the original power of the ministry, except the power of one-fourth-and-one of the traveling ministers to negative the wishes of the whole Church besides; and also the process of choosing lay delegates to the General Conference by electors chosen by the Quarterly Conference, which is composed wholly of ministers and officers appointed by the minister,—two relics of the old *régime* which never will be removed except through something like the process outlined in this paper, and for which the laymen of the Church are earnestly seeking.

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